

**2005 DRAFTING REQUEST**

**Assembly Amendment (AA-SB78)**

Received: **05/10/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Leah Vukmir (608) 266-9180**

By/Representing: **Dean**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - drugs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vukmir@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Sale of pseudoephedrine products

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 05/10/2005	wjackson 05/10/2005		_____			
/1			rschluet 05/10/2005	_____	lnorthro 05/10/2005	lnorthro 05/10/2005	

FE Sent For:

<END>

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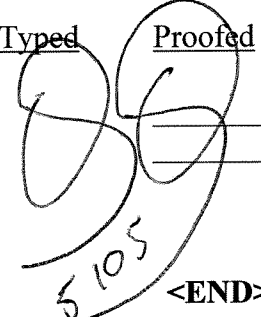
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/?	mdsida	1 WJ 5/10					

FE Sent For:

<END>

# RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: md) (Date: 5 / 10 / 05)



☐ Please transfer the drafting file for

2003 LRB \_\_\_\_\_ to the drafting file

for 2005 LRB \_\_\_\_\_

The final version of the 2003 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

**--OR--**

☐ Please copy the drafting file for

2005 LRB a0584 same as a0602 (include the version) and place it in the

drafting file for 2005 LRB a0606

For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

**ASSEMBLY AMENDMENT,  
TO SENATE SUBSTITUTE AMENDMENT 2,  
TO 2005 SENATE BILL 78**

Now

1 At the locations indicated, amend the bill, as shown by senate substitute  
2 amendment 2, as follows:

3 **1.** Page 2, line 1: delete that line and substitute "methamphetamine".

4 **2.** Page 6, line 21: after that line insert:

5 "SECTION 7m. 134.61 of the statutes is created to read:

6 **134.61 Sale of pseudoephedrine products to minors. (1) DEFINITIONS.**

7 In this section:

8 (a) "Liquid-filled pseudoephedrine gelcap" means a soft, liquid-filled gelatin  
9 capsule that is intended to be sold at retail and that contains pseudoephedrine or any  
10 of its salts, isomers, or salts of isomers.

1           (b) “Pseudoephedrine liquid” means a product that is intended to be sold at  
2           retail, that is a liquid at room temperature, and that contains pseudoephedrine or  
3           any of its salts, isomers, or salts of isomers.

4           (c) “Pseudoephedrine product” means a material, compound, mixture, or  
5           preparation containing any quantity of pseudoephedrine or any of its salts, isomers,  
6           or salts of isomers but does not include such a product if any of the following applies:

7           1. The product is a pseudoephedrine liquid or a liquid-filled pseudoephedrine  
8           gelcap. This subdivision does not apply if the controlled substances board has  
9           determined, by rule, that the product can be readily used in the manufacture of  
10          methamphetamine.

11          2. The controlled substances board has determined, by rule, that the product  
12          cannot be readily used in the manufacture of methamphetamine.

13          (2) PROHIBITION. No person may sell a pseudoephedrine product or offer a  
14          pseudoephedrine product for sale to a person under the age of 18.

15          (3) DEFENSE. Proof of all of the following facts by a person who sells a  
16          pseudoephedrine product or offers a pseudoephedrine product for sale to a person  
17          under the age of 18 is a defense to any prosecution for a violation of sub. (2):

18          (a) That the purchaser or the person to whom the product was offered falsely  
19          represented that he or she had attained the age of 18 and presented an identification  
20          card.

21          (b) That the appearance of the purchaser or the person to whom the product  
22          was offered was such that an ordinary and prudent person would have believed that  
23          he or she had attained the age of 18.

1 (c) That the sale or offer was made in good faith, in reasonable reliance on the  
2 identification card and appearance of the purchaser or the person to whom the  
3 product was offered, and with the belief that he or she had attained the age of 18.

4 (4) PENALTIES. (a) Except as provided in par. (b), a person who violates sub. (2)  
5 is subject to a forfeiture of not more than \$500.

6 (b) If a person who violates sub. (2) committed the violation within the 12  
7 months preceding the present offense, the person shall forfeit not less than \$200 nor  
8 more than \$500.”.

9 **3.** Page 6, line 22: delete lines 22 and 23 and substitute:

10 “SECTION 8m. 450.07 (4) (b) of the statutes is amended to read:”.

11 **4.** Page 6, line 24: delete “(intro.)”.

12 **5.** Page 7, line 1: delete lines 1 to 9 and substitute “paragraph may not  
13 prescribe a standard regarding circumstances under which a pseudoephedrine  
14 product, as defined in s. 134.61 (1) (c), may be sold at retail or offered for sale at retail  
15 unless the standard is also prescribed under federal law.”.

16 **6.** Page 8, line 17: delete the material beginning with that line and ending with  
17 page 12, line 2, and substitute:

18 “SECTION 19m. 961.01 (20c) of the statutes is created to read:

19 961.01 (20c) “Pseudoephedrine product” has the meaning given in s. 134.61 (1)  
20 (c).

21 SECTION 21g. 961.11 (6) (a) of the statutes is renumbered 961.11 (6) (a) (intro.)  
22 and amended to read:

961.11 **(6)** (a) The controlled substances board ~~shall~~ may not have authority to  
control a nonnarcotic substance, other than through the promulgation of rules by the  
board under s. 134.61 (1) (c), if the all of the following apply:

1. The substance may, under the federal food, drug and cosmetic act and the laws of this state, be lawfully sold over the counter without a prescription.

**SECTION 21r.** 961.11 (6) (a) 2. of the statutes is created to read:

961.11 **(6)** (a) 2. The substance is not a controlled substance under schedule V of 21 USC 812 (c).”.

**7.** Page 12, line 4: delete the material beginning with that line and ending with page 14, line 8.

**8.** Page 15, line 21: delete line that line and substitute:

“(1m) The treatment of section 134.61 of the statutes”.

**(END)**